ASSESSMENT GUIDELINES FOR

ENGLISH LANGUAGE LEARNERS

The number of students who do not speak English as the primary language has and continues to increase significantly within Tennessee's schools. The law requires that students may NOT be eligible for special education when the determinant factor for that disability eligibility is either lack of instruction in reading or math or Limited English Proficiency. When school personnel and/or parents suspect a student who is an English Language Learner MAY be a student with a disability AND the student's primary language is NOT the cause of the student's inability to progress within the general education curriculum, a referral for evaluation for special education eligibility may be initiated. When this is the case, there are many considerations that must be made when administering established evaluation procedures and considering language, cultural, socioeconomic differences, and standardization of assessment instruments. This section provides guidance for assessment personnel in the evaluation of English Language Learners. Guidelines are also provided for the evaluation of English-speaking learners when there is evidence of extreme dialectal or cultural differences that may affect the results and interpretation of assessment interpretation.

ASSESSMENT GUIDELINES:
ENGLISH LANGUAGE LEARNERS

EVALUATION CONSIDERATIONS

Cultural Knowledge of the Student

Prior to developing an assessment plan for a student from a culturally or linguistically diverse background, the assessment specialist should seek information for particular cultures about the following topics:

- cultural values,
- preferred modes of communication,
- nonverbal communication rules,
- rules of communication interaction (who communicates with whom? when? under what conditions? for what purposes?),
- child-rearing practices, rituals and traditions, perceptions of punishment and reward;
- what is play? fun? humorous?,
- social stratification and homogeneity of the culture,
- rules of interaction with nonmembers of the culture (preferred form of address, preferred teaching and learning styles),
- definitions of disabled and communicatively disabled, and
- taboo topics and activities, insults, and offensive behavior.

The Center for Applied Linguistics in Washington, D.C. (202-362-0700 or www.cal.org) is a useful resource about other languages and cultures, as is the National Clearing House for Bilingual Education (202-467-0867 or http://www.ncbe.gwu.edu). Local and state cultural organizations may also be able to provide information.

Determining the Language(s) to be Assessed

"Both Title VI and Part B of the Individuals with Disabilities Education Act of 1997 (IDEA'97) require that a public agency ensure that children with limited English proficiency are not evaluated on the basis of criteria that essentially measure English language skills" [34 CFR, Attachment 1, p. 12633] *Tennessee's Special Education Rules and Regulations* [0520-1-9-.06(2)(a)2]. The "Eligibility Standards" specifically state that disabilities cannot be attributed to characteristics of second language acquisition and/or dialectal differences. The assessment specialist must be careful not to identify individuals as having a disability based on characteristics of second language acquisition or dialectal differences.

The purpose of the evaluation and the skills of the student (e.g., social vs. academic language skills) are important considerations in selecting the language(s) to be used during the evaluation process. When more than one language is to be used, the evaluator needs to consider whether they will be used separately or simultaneously. Best practice research suggests the use of each language separately in assessment for students who are young and come from primarily monolingual homes, have been enrolled in a quality bilingual program where academic instruction has been consistently delivered in the first language, and who are recent arrivals in the United States. When the languages are used separately, the stronger language should be used first in order to obtain optimum performance. The use of both languages simultaneously is most effective with students whose control of both languages is limited, whose native language combines the two languages, and who are young and having difficulty separating the languages.

BILINGUAL ASSESSMENT PERSONNEL

When no one on staff in the school district is able to administer a test or other evaluation in the student's native language, 34 CFR Attachment 1 offers the following suggestions:

- Identify an individual in the surrounding area who is able to administer a test or other evaluation in the child's native language; and/or
- Contact neighboring school districts, local universities and professional organizations.

Additional options that may be considered include using a trained interpreter or translator. Other school district personnel such as teachers of foreign languages, general education, bilingual education or English Language Learner (ELL) teachers, paraprofessionals/aides, or pupil services personnel may either serve as resources or may have contacts outside the district. Various cultural or religious groups or teachers at commercial language schools may also be able to help. There are several alternative strategies for the use of other professional personnel to assist in the assessment of individuals with communicative impairments who are members of minority language populations. Guidance is available about the use and training of interpreters and translators if this option is the only alternative available to the assessment specialist.

Training Interpreters and Translators

The assessment specialist and the IEP team should be especially cautious in interpreting data obtained from translated test materials. Some of the specific difficulties encountered in translating tests include the following concerns:

- The test norms may not apply to the individual student. Tests may come with English-based norms only, may be normed on monolingual speakers of the target language and/or may be normed outside the United States.
- The comparability of psychometric properties (reliability, validity and difficulty levels of items) for an English test and its translated version cannot be assumed.
- Equivalent words and concepts may not be found across languages and/or cultural groups.
- No single translation can be sensitive to all dialects of a particular language.
- Spontaneous translations often contain errors.

When the assessment specialist and the IEP team consider the use of a trained interpreter to assist in the assessment process, they must evaluate the advantages of this approach which allows testing in the student's first language, enables informal interaction and communication, makes the student more comfortable, provides for flexibility and is legal under federal and state laws. On the other hand, the IEP team must evaluate the potential problems with such an approach, including the increased time needed for training and testing using an interpreter. Additional potential problems which must be addressed are the possibility of bias, inaccuracy, invalid test data, false confidence among assessment participants as well as threats to confidentiality and neutrality in the evaluation process. Thus, the assessment specialist and the IEP team members must be certain to use the following guidelines:

- The interpreter should know the culture, not just the language.
- Selection and extensive training of interpreters are critical.
- Test norms CANNOT be used.
- Be certain that the interpreter speaks the correct dialect of the language.
- The evaluation team should be trained to work with interpreters.

Considerations for Speech and/or Language Pattern Differences

Due to inherent difficulties associated with using interpreters, the assessment specialist should be especially aware of common errors that may occur in interpreting or translating results which may include omissions, additions, substitutions and transformations. Interpreters and translators may omit single words, phrases or sentences when:

- they do not know the meaning of the words, phrases or sentences.
- the words cannot be translated.
- they cannot keep up with the pace of the speaker.
- the words appear to be of no importance (e.g., very, rather).

Interpreters and translators may add extra words, phrases or entire sentences when:

- they wish to be more elaborate.
- they editorialize.
- they need to explain a difficult concept for which there is no equivalent in the other language.

Interpreters and translators may substitute words, phrases or sentences other than the specified ones when:

- they make an error.
- they misunderstood the speaker.
- they cannot keep up with the pace of the speaker and must make up material based on the words they remember hearing.
- they are confused about the words (e.g., homonyms).
- they fail to retrieve a specific word or phrase.
- they use an incorrect reference.

Finally, interpreters and translators may change the word order of the statement, sometimes distorting or transforming the meaning. Additional errors may result from unequal skill in first and second languages when interpreters and translators find it easier to interpret from first language to second than from second language to first. Interpreters and translators may also change the meaning of the message through idiosyncrasy in intonation, facial expressions and gestures.

Important linguistic competencies include the ability to understand and converse in first and second language with a high degree of proficiency, strong proficiency for reading and writing skills, the ability to say the same thing in different ways, the ability to adjust to different levels of language use, familiarity with different types of interpretations or translations, the ability to memorize and retain information in memory, knowledge of technical educational terminology and familiarity with the culture of the language that is being interpreted or translated. Other competencies considered critical for the interpreter or translator in school assessment settings include understanding of child development, understanding of cross-cultural variables, understanding of education procedures (i.e., general education intervention, testing, and services), understanding the nature of the testing procedures and the ability to work well with people. Finally, the ethical and professional considerations for selecting and training interpreters and translators include maintaining professional conduct, maintaining confidentiality, remaining neutral, being straightforward, not accepting an assignment beyond one's capabilities and being able to ask for help or clarification when necessary. In addition, the interpreter or translator who functions in the school assessment

setting must respect the authority of the evaluation team and have the ability to work as a team member with the education staff. It is imperative that the interpreter/translator understands the need for confidentiality.

MODIFICATIONS OF ASSESSMENT PROCEDURES

Test modifications allow the evaluator to observe how the child performs under various conditions. While changing the standards of test administration may be necessary for children from culturally and linguistically diverse backgrounds, they may also be helpful with native English speakers and for children with severe disabilities. Common test modifications include: restating or repeating directions, allowing additional response time, allowing native language responses or code-switching, providing extra practice items before the test, and substituting culturally relevant stimulus items. When tests are modified, modifications must be reported and test norms may NOT be applied. The importance of the following factors in selecting specific instruments: reliability, validity, cultural appropriateness of the test stimuli and procedures, linguistic and cultural competency of the clinician and the potential value of additional informal assessment is paramount.

INTERPRETATION OF ASSESSMENT RESULTS

To determine whether a student with limited proficiency in English has a disability, differentiating a language-based or communication-based disability from a cultural or language difference is crucial. In order to conclude that a student with limited English proficiency has a disability, the assessor must rule out the effects of different factors that may simulate language and/or academic disabilities.

No matter how proficient a student is in his or her primary or home language, if cognitively challenging native language instruction has not been continued, a regression in primary or home language abilities is likely to have occurred. Students may exhibit a decrease in primary language proficiency through:

- inability to understand and express academic concepts due to the lack of academic instruction in the primary language,
- simplification of complex grammatical constructions,
- replacement of grammatical forms and word meanings in the primary language by those in English, and
- the convergence of separate forms or meanings in the primary language and English.

These language differences may result in a referral to Special Education

because they do not fit the standard for either language even though they are not the result of a disability. The assessor also must keep in mind that the loss of primary or home language competency impacts the student's communicative development in English.

The student's competence in his or her primary or home language may be interfering with the correct use of English. Culturally and linguistically diverse students in the process of acquiring English often use word order common to their primary or home language (e.g., noun-adjective instead of adjective-noun). This is a natural occurrence in the process of second language acquisition and not a disability. Furthermore, students may "code-switch" using words and/or patterns modeled in their homes or communities. While often misinterpreted as evidence of poorly-developed language competence, the ability to code-switch is common among competent, fluent bilingual speakers and may not necessarily indicate the presence of a disability.

Experience shows that students learn a second language in much the same way as they learned their first language. Starting from a silent or receptive stage, if the student is provided with comprehensible input and opportunities to use the new language, s/he will advance to more complex stages of language use. It takes a student, on average, one to two years to acquire basic interpersonal communicative skills (BICS) – the level of language needed for basic face-to-face conversation. This level of language use is not cognitively demanding and is highly context-embedded. On the other hand, cognitive academic language proficiency (CALP), the level of language needed for complex, cognitive tasks, usually takes on average five to seven years or more to acquire. This level of language functioning is needed to be successful in an English classroom where language is context-reduced and cognitively more challenging. If a student appears to be "stuck" in an early language development stage, this may indicate a processing problem and further investigation is warranted.

In addition to understanding the second language learning process and the impact that first language competence and proficiency has on the second language, the assessor must be aware of the type of alternative language program that the student is receiving. Questions should be considered such as:

- Has the effectiveness of the English instruction been documented?
- Was instruction delivered using the second-language teacher or was it received in the general education classroom?
- Is the program meeting the student's language development needs?

The answers to these questions will help the assessor determine if the language difficulty is due to inadequate language instruction or the presence of a disability.

Interpretation Considerations

Interpreting evaluation findings of culturally and linguistically diverse children during assessment is not substantially different from interpreting that of native English speakers. However, it does require consideration of both the structure of the child's language/dialect and the cultural values that affect communication.

Background Information Considerations

- child rearing practices that may affect communication development (e.g., amount of parent-child vs. peer-peer talk),
- cultural attitudes to impairment that may produce "learned helplessness" in child by our standards,
- genetic conditions that may affect communication development (e.g., prevalence of sickle cell anemia among African-Americans in relation to sensorineural hearing loss),
- influence of difficulty or inconsistency in accessing health care system for identification or intervention of medical conditions that impact communication development (e.g., related to cultural values, parents' lack of English proficiency, poverty),
- stage of native language development when English was introduced,
- disruptions in learning native language or English,
- quality of English speech or language models,
- stability of family composition, living circumstances related to opportunities to engage in normal communication building experiences, and
- attitudes of family and child to English language culture.

Language Considerations

- stage of English acquisition,
- interference from native language that may cause English errors (e.g., Spanish "la casa grande" literally means "the house big"),
- *fossilization* or persistence of errors in English even when English proficiency is generally good,
- inconsistent errors that vary as the child experiments with English (inter-language),
- switching back and forth between native language/dialect and English (code-switching) words or language forms to fill in gaps in English language knowledge or competence (child may have concept but not the word, or the child exhibits an awareness of the need to "fill a slot" to keep the communication going),
- language loss in native language as English proficiency improves (may account for poor performance in native language),
- legitimacy of vocabulary and language forms of African-American English

related to historical linguistic influences,
- absence of precise native language vocabulary equivalents for English words,
- influence of normal limitations in English vocabulary development on difficulties with multiple meaning words,
- influence of normal difficulties in English language expression on ability to demonstrate comprehension (e.g., respond to questions),
- absence in English of native language forms (e.g., Spanish “tu” and “ustedés” vs. English “you”),
- restrictions or absence of certain uses of language due to cultural values (e.g., prediction in Native American cultures),
- influence of culture on nonverbal language (e.g., gesturing, eye contact),
- influence of culture on discourse rules (e.g. acceptability of more interruptions among Hispanics),
- influence of culture on proxemics (e.g., acceptability of greater proximity between listener and speaker among Hispanics, and
- influence of absence of written language forms in native language on English writing (e.g. capitalization, punctuation, paragraph structure in Chinese).

Phonology Considerations

- dialect variations within language groups (e.g., Mexican, Puerto Rican, Cuban dialects of Spanish),
- absence of sounds of native language in English or in the same position in English and vice-versa (e.g., deletion of final consonants in English related to only five consonants appearing in word final position in Spanish or deletion of final consonant clusters in English as a function of their absence in Japanese),
- effect on sound discrimination of meaningful sound differences in one language not being meaningful in another,
- influence of articulation features of native language sounds on production of English sounds,
- influence of dialectal variations on physical parameters of sounds (e.g., lengthening or nasalizing of vowel preceding a final consonant in African-American English when that consonant is deleted),
- historical linguistic influences on development of African-American phonology, and
- the child’s possible embarrassment about how s/he sounds in English.

Fluency Considerations

- apparent universality of sound repetitions, sound prolongations and associated behaviors such as eyeblinks and facial, limb and other body movements in stuttering across cultures;

- influence of normal development of English language proficiency on occurrence of dysfluencies (e.g., revisions, hesitations, pauses);
- cultural behaviors that may be misinterpreted as avoidance behaviors (e.g., eye contact);
- cultural variations on fluency enhancers or disrupters;
- misinterpretation of mannerisms used to cover up limited English proficiency as secondary characteristics of dysfluency;
- the relationship of locus of stuttering to phonemic, semantic, syntactic and pragmatic features of the native language and English; and
- possible influence of foreign accent on accuracy of measurement of speech rate and judgments of speech naturalness.

Some Voice Considerations

- influence of vocal characteristics of native language on voice resonance in English (e.g., tone languages),
- cultural variations in acceptable voice quality (e.g., pitch, loudness),
- possible role of insecurity about speaking English on volume of voice in English, and
- possible role of stress from adapting to a new culture on vocal tension affecting voice quality.

The assessment specialist and the IEP team members must understand the process of second language learning and the characteristics exhibited by ELL students at each stage of language development if they are to distinguish between language differences and Speech and/or Language Impairments. The combination of data obtained from the case history and interview information regarding the student's primary or home language, the development of English language and ELL instruction, language sampling and informal assessment as well as standardized language proficiency measures should enable the IEP team to make accurate diagnostic judgments. Only after documenting problematic behaviors in the primary or home language and in English, and eliminating extrinsic variables as causes of these problems, should the possibility of the presence of a disability be considered. Once these considerations have been addressed, the assessment specialist and the IEP team are in a position to determine whether a specific disability exists using the standards outlined in the *Tennessee Eligibility Standards*.